

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA
(Harrisburg Division)

PHILIP H. TREVINO,	§	
	§	CIVIL ACTION NO. _____
Plaintiff,	§	
	§	
VS.	§	
	§	
BONKEY’S, a Pennsylvania Limited	§	
Partnership	§	
	§	
Defendant.	§	

COMPLAINT

COMES NOW the Plaintiff PHILIP H. TREVINO, by and through counsel, Ronald S. Canter, Esq. and files suit against Defendant BONKEY’S, a Pennsylvania limited partnership, and respectfully represents unto this Court:

PARTIES

1. Plaintiff Philip H. Trevino is over the age of 18 and a resident of the State of Maryland.

2. Defendant Bonkey’s is a Pennsylvania limited partnership with its principle place of business in York County, Pennsylvania.

JURISDICTION/VENUE

3. This Court has jurisdiction over this action under 28 USC § 1332(a)(1) because Plaintiff and Defendants are citizens of different states and the amount in controversy exceeds \$75,000.00, excluding costs and interest.

4. Venue is appropriate in this District pursuant to 28 U.S.C. § 1391(b)(1) as Defendant resides in this District.

GENERAL ALLEGATIONS

5. The allegations in Paragraphs 1 through 4 are incorporated herein as though repeated in full.

6. Defendant Bonkey's is in the business of selling ice cream and snoballs at various retail locations in Pennsylvania and Delaware.

7. On May 22, 2015, Plaintiff went to the Bonkey's location in New Freedom, York County, Pennsylvania (the "Location").

8. Plaintiff was a business invitee of Bonkey's.

9. When Mr. Trevino arrived, the Location was busy and he waited in line before ordering.

10. Inside the Location the customers were proceeding in both directions in a narrow walkway.

11. While waiting in line, Mr. Trevino was forced to lean up against a closed door because of the narrow walkway and the number of people in line to purchase ice cream.

12. The door had an inoperative lock and was defective, which caused the door to open and Mr. Trevino fell, hitting his back, neck, and head.

COUNT I (Negligence)

13. The allegations in Paragraphs 1 through 12 are incorporated herein as though repeated in full.

14. At the time of the incident, Defendant was under a duty to protect Plaintiff not only against known dangers, but also against dangers which Plaintiff might have discovered with reasonable care.

15. As such, Defendant's duty was to inspect the premises and to ensure that the premises were safe for its customers.

16. Defendant failed to use reasonable care and properly inspect the premises and was otherwise negligent in causing this incident.

17. If Defendant had properly maintained and inspected the premises, Defendant would have known of the defective door and repaired the door, thereby avoiding this incident.

18. As a direct and proximate result of the aforesaid incident, Plaintiff sustained serious personal injuries, including but not limited to injuries to his back, neck, and head.

19. As a further direct and proximate result of the aforesaid incident, Plaintiff was forced to expense substantial monies for medical treatment and medical care.

20. Plaintiff further endured much pain and suffering, emotional distress, anguish, embarrassment, inconvenience and the like as a result of the injuries sustained in the aforesaid collision.

21. Plaintiff will continue to suffer from future pain and suffering and will continue to incur future medical expenses.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter judgment against Defendant in the sum of \$100,000.00, plus costs and any other relief that is deemed just.

JURY DEMAND

Plaintiff demands a trial by jury.

THE LAW OFFICES OF RONALD S. CANTER,
LLC

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